REMARKS

Favorable reconsideration of the subject patent application is respectfully requested in view of the above amendments and the following remarks. Following the amendments, claims 29-32, 37 and 38-47 are pending in the application, with claims 29, 31 and 37 being in independent format.

Claims 13-21, 23, 25 and 33-36 have been cancelled from the application, and claims 39-47 have been added. Claims 39, 42 and 45, dependent upon claims 29, 31 and 37, respectively, are drawn to methods of enhancing an immune response wherein the composition is administered by injection. Claims 40, 43, and 46, dependent on claims 30, 32 and 38, respectively, are drawn to methods comprising administering a composition comprising a physiologically acceptable carrier selected from the group consisting of: water, saline, alcohol, lipids, waxes, buffers, mannitol, lactose, starch, magnesium stearate, sodium saccharine, talcum, cellulose, glucose, sucrose, magnesium carbonate and biodegradable microspheres. Claims 41, 44 and 47, also dependent upon claims 30, 32 and 38, respectively, are drawn to methods comprising administering a composition comprising an adjuvant. Support for newly added claims 39-47 may be found on page 19, line 18 - page 20, line 15, and throughout the specification as originally filed.

It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the above amendments constitute new matter or raise new issues for consideration.

Claim rejection under 35 USC §112, first paragraph

Claims 23, 25 and 29-38 stand finally rejected under 35 USC §112, first paragraph, as lacking an enabling disclosure. Specifically, the Examiner has asserted that "[n]either the instant disclosure nor the Declaration demonstrates that administering human FGFR5 of SEQ ID NO: 33 to a patient modulates an immune response". This rejection is respectfully traversed.

Claims 23, 25 and 33-36 have been cancelled from the application. As noted by the Examiner, applicants have shown that human FGFR5 of SEQ ID NO: 33 enhances growth of human PBMC stimulated with anti-CD3 antibody and of adherent PBMC *in*

vitro, and have further demonstrated that one of skill in the art would expect the polypeptide of SEQ ID NO: 33 to activate cultured natural killer cells. As evidenced by the attached Declaration of Dr. J. Greg Murison, *in vivo* administration of the polypeptide of SEQ ID NO: 31 is effective in enhancing an immune response in mice. Further more, as evidenced by the Declaration of Dr. Elizabeth Visser submitted in January 2003, one of skill in the art would reasonably expect polypeptides of SEQ ID NO: 33 to have the same functional activity as polypeptides of SEQ ID NO: 31.

It is thus urged that one of skill in the art to which the present invention pertains, on being provided with the instant specification, would indeed be able to employ the polypeptides of the present invention to enhance an immune response in a patient, and that this rejection of the pending claims under 35 USC §112, first paragraph, may thus be properly withdrawn.

A Petition to Correct the Inventorship of the subject patent application is being submitted herewith.

Every effort has been made to put the pending claims in condition for allowance. Should the Examiner have any further concerns regarding the subject patent application, he is respectfully requested to contact the undersigned at: 206.382.1191.

Respectfully submitted,

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Date: June 23, 2003
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